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OFFICE OF PETITIONS

In re Application of :
Masayuki Kimishima :
Application No. 09/756,442 : **DECISION ON PETITION**
Filed: January 8, 2001 :
Attorney Docket No. ADV :
A223.001 AUS :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 8, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to reply in a timely manner to the Nonfinal Rejection mailed September 16, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by

37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) and (3).

The required reply to the Nonfinal Rejection mailed September 16, 2003, has not been received.

A review of the written records indicates no irregularity in the mailing of the Office action on September 16, 2003. The Office action was properly mailed to the address of record. It is noted that a change of address was submitted on June 29, 2007.

Petitioner is encouraged to provide a showing of a search of the file jacket and evidence of the docket record where the nonreceived Office action would have been entered had it been received.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

A handwritten signature in cursive script, reading "Karen Creasy".

Karen Creasy
Petitions Examiner
Office of Petitions

Attachment: Copy of the Office Action mailed September 16, 2003